

Regular Session, 2014

# ACT No. 828

HOUSE BILL NO. 940

BY REPRESENTATIVES ABRAMSON, BILLIOT, BROSSETT, GAROFALO,  
MORENO, JAY MORRIS, ST. GERMAIN, AND WILLMOTT

1 AN ACT

2 To enact R.S. 13:2575.6 and 2575.7, relative to certain adjudication procedures; to provide  
3 relative to certain adjudication procedures in the city of New Orleans and certain  
4 parishes; to authorize the adoption of certain ordinances, including nuisance  
5 ordinances relative to sanitation and litter violations; to provide for certain  
6 administrative adjudication proceedings; to provide certain terms, conditions,  
7 procedures, requirements, and effects; to provide for certain notice and procedures  
8 for the administrative adjudication hearing; to provide for civil fines and penalties;  
9 to provide for an appeal process; and to provide for related matters.

10 Notice of intention to introduce this Act has been published  
11 as provided by Article III, Section 13 of the Constitution of  
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 13:2575.6 and 2575.7 are hereby enacted to read as follows:

15 §2575.6. Additional administrative adjudication procedures in the city of New  
16 Orleans; sanitation and litter violations; ticket procedure; appeal; penalties

17 A. The city of New Orleans may prescribe civil fines for violations of  
18 nuisance, sanitation and litter ordinances on immovable property pursuant to the  
19 procedures for administrative adjudication provided in this Chapter.

20 B. The city of New Orleans may adopt ordinances establishing an  
21 administrative adjudication hearing procedure under the provisions of this Chapter  
22 to enforce violations of nuisance, sanitation and litter ordinances by the owners of  
23 immovable property or their agents, tenants, or representatives noticed via the

1            issuance of a sanitation ticket. Each ordinance shall provide a reasonable time period  
2            for a hearing under the provisions of this Chapter, which in no event shall be less  
3            than fifteen days from sanitation ticket issuance. The ordinance shall provide for  
4            appointment of hearing officers who shall have been licensed to practice law in  
5            Louisiana for no less than two years, and who shall have authority to administer  
6            oaths and affirmations and to issue orders compelling the attendance of witnesses  
7            and the production of documents. Any order compelling the attendance of witnesses  
8            or the production of documents may be enforced by the municipal court of the  
9            municipality or the district court in which the municipality is located. The ordinance  
10           shall provide that the City bears the burden of proving by a preponderance of the  
11           evidence that the person receiving the sanitation ticket is responsible for the  
12           sanitation or litter violation.

13           C. The sanitation ticket shall also provide information as to the time and  
14           place of an administrative adjudication hearing, at which the city official issuing the  
15           sanitation ticket will be present. The failure of any person charged with a violation  
16           to appear at the hearing shall be considered an admission of liability for the charged  
17           violation. The original sanitation ticket or any true copy of the ticket shall be  
18           deemed a record kept in the ordinary course of business of the municipality, and  
19           shall be rebuttable proof of the facts contained in the ticket.

20           D. Any administrative adjudication hearing held under the provisions of this  
21           Section shall be conducted in accordance with the Administrative Procedure Act.  
22           Testimony by any person shall be taken under oath or by affirmation. The person  
23           who received the sanitation ticket may present any relevant evidence and testimony  
24           at such hearing; however, his physical presence shall not be required at the hearing  
25           if documentary evidence is submitted to the hearing officer prior to the date of the  
26           hearing.

27           E. The hearing officer shall issue an order stating whether or not the person  
28           who received the sanitation ticket is liable for a violation of the nuisance, sanitation,  
29           or litter ordinance at the property and the amount of any fine, penalty, cost, or fee  
30           assessed against him, which order may be filed in the mortgage or conveyance office

1           of the city. Any such order filed shall constitute a lien and privilege against the  
2           property, be placed on the ad valorem tax bill, and be paid the same as taxes.

3           F. Any order of the hearing officer filed under the provisions of this Section  
4           shall be maintained in a separate index and file. These orders or decisions may be  
5           recorded utilizing computer printouts or other similar data processing techniques.

6           G. The ordinance shall provide for the amount and disposition of fines,  
7           penalties, costs, and fees. No fine shall exceed a maximum of five hundred dollars  
8           per violation.

9           H. Any owner of immovable property or their agents, tenants, or  
10           representatives determined by the hearing officer to be in violation of a nuisance,  
11           sanitation, or litter ordinance may appeal this determination to the appropriate  
12           district court. Such appeal shall be instituted by filing, within thirty days of the filing  
13           of the order of the hearing officer, a petition with the clerk of court for the district  
14           court along with payment of such reasonable costs as may be required by the clerk.  
15           After filing a petition for appeal the clerk of court of the district court shall schedule  
16           a hearing and notify all parties of the date, time, and place of such hearing. Service  
17           of notice of appeal under this Subsection shall not stay the enforcement and  
18           collection of the judgment unless the person who files the appeal posts bond prior to  
19           filing notice of appeal with the agency of the municipality designated by ordinance  
20           to accept payments of violations of nuisance, sanitation, or litter ordinances.

21           §2575.7. Additional administrative adjudication procedures; certain parishes

22           A. In any parish with a population of not less than thirty-five thousand five  
23           hundred persons and not more than thirty-six thousand persons, according to the  
24           most recent federal decennial census, the term "housing violation" as used in this  
25           Chapter shall also encompass violations of building codes, zoning, vegetation, and  
26           nuisance ordinances.

27           B. In any parish with a population of not less than thirty-five thousand five  
28           hundred persons and not more than thirty-six thousand persons, according to the  
29           most recent federal decennial census, the procedures for administrative adjudication  
30           provided in this Chapter may also be utilized in matters involving licensing and

1           permits and any other ordinance violations that may be determined by the parish  
2           governing authority.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_